S.B.Criminal Misc. Petition No. 552/2006

In

S.B.Criminal Misc. Bail Application No. 1341/2006

Date of order : 01.05.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. J.P.S.Choudhary, Public Prosecutor.

Mr. Anand Purohit for the accused-non-petitioner.

By the instant criminal misc. petition u/s 482 Cr.P.C., learned public prosecutor submits that while granting anticipatory bail for a limited period by order dated 19.4.2006 in S.B.Cr. Misc. Bail Application No.1341/2006, the petitioner was directed to appear before the Investigating Officer and if the petitioner wishes to file any document with regard to the application for dissolution of marriage and taking away the dowry articles by the complainant, he may do so; the Investigating Officer was directed to interrogate the petitioner and submit his report within three weeks and in the matter, the next date i.e. 10.5.2006 was fixed. A notice was also issued to the complainant. However, it appears that in the operative portion of the order dated 19.4.2006, it has not been recorded that the bail is granted up to 10.5.2006.

Learned counsel for the accused-non-petitioner submits that whatever the public prosecutor has stated that was the order dictated but it appears that due to typographical error, instead of granting bail limited to 10.5.2006, the bail was granted till the police concludes the investigation and files challan.

The order dated 19.4.2006 was dictated to my Private Secretary, Mr. Mool Chand Sharma, who has been called to the Court along with his shorthand note book, in which the order dt. 19.4.2006 was taken down, in order to verify what order was dictated to him. He came with his shorthand note book and read the dictation, which he had taken, which is as under;

> "List the matter on 10.5.2006. Till 10.5.2006, in the event of arrest of the petitioner, he shall be released on interim bail."

Thus, the statement of public prosecutor and agreed by counsel appearing for the accused appears to be correct.

With the consent of learned counsel for the parties, on the second page of order dated 19.4.2006, in place of words "till the police concludes the investigation and files the Challan" the words "till 10.5.2006" are substituted and it is made clear that the petitioner has been granted bail up to 10.5.2006 vide order dated 19.4.2006.

Accordingly, the misc. petition is disposed of.

List the bail application on 10.5.2006.

(H.R.PANWAR), J.

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